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Eugene cemetery business loses certification; consents to state's stipulated order

(SALEM) The Department of Consumer and Business Services has entered a stipulated order revoking the certification of Sunset Hills LLC in Eugene to provide pre-need funeral contracts, suspending nearly \$80,000 in monetary penalties, and requiring Sunset Hills LLC to pay \$2,000 to DCBS to partially pay for examination and investigation costs incurred by the agency since irregularities at the business were first discovered in 2002.

Sunset Hills LLC president, Linda Hea-Poole, signed the consent order, waiving a hearing that had been scheduled by DCBS to begin Sept. 15. Her company was charged with violating more than a dozen state laws related to mishandling pre-need funeral plan trust funds, using illegal pre-need contracts, and failing to follow state reporting requirements. The monetary penalties are suspended contingent on Hea-Poole and Sunset complying with the terms of the order.

Sunset Hills LLC continues to operate but is precluded from selling pre-need contracts and pre-constructed mausoleum vaults. The company may continue to provide funeral and burial services to consumers as needed, but may not enter into pre-need or pre-construction contracts that would require placing consumers' money in a trust fund. Consumers who encounter problems with Sunset regarding at-need funeral services should call the Mortuary and Cemetery Board, (503) 731-4040.

Consumers who have existing pre-need or pre-construction contracts with Sunset Hill LLC should first contact Sunset to inquire about the status of their contracts. Under Oregon law, consumers are entitled to full refund of the money held in trust by Sunset for undelivered merchandise and services, if they want refunds. If they do not receive satisfaction from Sunset, said Charles Donald, supervising examiner for the Division of Finance and Corporate Securities' Non-Depository Program, they should call DFCS, (866) 814-9710, toll-free.

The division continues to seek reimbursement from Wells Fargo Bank, trustee for Sunset Hills LLC, for dispersing trust monies to Sunset improperly.

DFCS' Non-Depository Program took over certification of pre-need funeral plan and endowment care providers from the Office of the Secretary of State in 2001. At that time, DFCS undertook examination responsibilities for the more than 200 such businesses in the state. The Oregon Mortuary and Cemetery Board licenses the businesses.

The order concerning Sunset is on the Web site of the division, dfcs.oregon.gov.

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